

Serial No 10/035,485  
Baker et al.

### **REMARKS**

Claims 1, 2, 4-10 and 12-14 are pending in this application. Claim 1 is being amended. No claims have been cancelled. The amendment to the claim does not incorporate any new matter.

#### **Rejections under 35 USC 102**

The Examiner has rejected claims 1-2 under 35 USC 102(b) as being anticipated by Evans et al. (WO94/29486-A1). The Examiner states that Evans et al disclose an oligonucleotide of 18 nucleotides in length that is 100% complementary to nucleotides 863 to 876 of the nucleic acid of SEQ ID NO: 3 of the instant application.

The Applicants have amended claim 1 to recite a compound targeted to nucleobases 381 through 502 or nucleobases 629 to 713 of SEQ ID NO: 3. This amendment is supported in the specification in Table 1 (pages 81-83). Oligonucleotide ISIS No 109851 is 20 nucleotides in length, is targeted to nucleobases 483 through 502 of SEQ ID NO: 3. Oligonucleotide ISIS No. 109858, is targeted to nucleobase 629 of SEQ ID NO: 3; and oligonucleotide ISIS No. 109861 is 20 nucleotides in length, is targeted to nucleobases 694 through 713 of SEQ ID NO:3. The oligonucleotide of Evans does not fall within the region of SEQ ID NO: 3 now claimed.

The Applicants submit that in view of the amendment, claim 1 is no longer anticipated by Evans. As claim 2 is dependent on the non-anticipated claim 1, it is also not anticipated. Therefore, the rejection under 102(b) in view of Evans is traversed.

The Examiner has rejected claims 1-2, 4-6, 8, 10 and 12-14 under 35 USC 102(a) as being anticipated by Wraight (WO-200078341-A1). The Examiner states that Wraight discloses an oligonucleotide that is 15 nucleobases in length and is 93.3% complementary to nucleobases 607 through 621 of SEQ ID NO: 3.

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The Applicants have amended claim 1 to recite a compound targeted to nucleobases 381 through 502 or nucleobases 629 to 713 of SEQ ID NO: 3. The oligonucleotide of Wraight does not fall within the region of SEQ ID NO 3 now claimed.

The Applicants submit that in view of the amendment, claim 1 is no longer anticipated by Wraight. As claims 2, 4-6, 8, 10 and 12-14, the remaining claims in the rejection, are dependent on the non-anticipated claim 1, it is also not anticipated. Therefore, the rejection under 102(a) in view of Wraight is traversed.

#### **Rejections under 35 USC 103**

The Examiner has rejected claims 1-2, 4-10 and 12-14 under 35 USC 103(a) as being unpatentable over Wraight et al., in view of Monia et al.

The reasons for rejection in view of Wraight are set forth above. Claim 1 has been clearly differentiated from the teachings of Wraight. The teachings of Monia do not overcome the limitations of the teachings of Wraight in view of the newly amended claims. Claims 2, 4-10 and 12-14 are dependent on the non-obvious claim 1 and are also not obvious. Therefore, the rejection under 103(a) for obviousness over Wraight in view of Monia is traversed.

#### **FEES**

The Applicants hereby authorize the Commissioner to charge Deposit Account 500252 the fee of \$395.00 for a Request for Continued Examination, small entity, referencing case number RTS-0139. It is believed that no additional fee is due. However, if an additional fee is due, the Commissioner is authorized to charge the Deposit Account listed above.

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**CONCLUSIONS**

In view of the foregoing amendments and arguments, the Applicants submit that the case is now in proper form for allowance. The Applicant respectfully request that the rejection be withdrawn and a Notice of Allowance be issued in the case.

If the Examiner believes that there are any outstanding issues remaining in the case, the Examiner is encouraged to call the undersigned Agent for Applicant listed below.

Respectfully submitted,



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